

**California State Department of Social Services
ICWA Workgroup**

**CDSS Headquarters, Room 1030
Sacramento, CA 95814**

January 19, 2010

Minutes

- **Welcome/Introductions.** The previous meeting's minutes were reviewed and approved as written.
- **Administrative Office of the Courts Report.** Ann Gilmour, Attorney, Administrative Office of the Courts, presented a report. The AOC has been working on rules and forms changes with regard to the signing of Assembly Bill (AB) 1325 regarding tribal customary adoption. Public comment period for the forms began December 9, 2009. Also, they will be conducting ICWA training for social workers in Shasta County (January 26), probation officers in San Mateo County (February 2 and March 9), and ICWA training for Sacramento County judges (February 23).

Kim Cluff mentioned an appellate case in the 3rd district whereby a tribe had a preferred placement, but the judge “.26'd” the case and said that they only need to consider the tribe's request, but they are not required to abide by the tribe's wishes. Kim asked Ann how she addresses this kind of issue in trainings. Ann said that she and Senator Ducheny may be working in the future on a legislative fix for this common issue surrounding judges' discretion.

- **Subcommittee Updates.**
 1. **Permanency for Indian Children and Youth:** This subcommittee is temporarily being used to implement AB 1325, the tribal customary adoptions bill. The CDSS' Permanency Policy Bureau (PPB) will be lead on implementation of the bill. Nicolle Larkins, PPB, presented a report. The Adoption Services Subcommittee will meet on Thursday, January 21, 2010. One of the issues that will be discussed is what is tribal consultation and what does it entail? [WIC 366.24]

Regulations Subcommittee: The CDSS regulations are created for counties and private adoption agencies — not for tribes. However, it is important that we receive tribal input since tribal customary adoption will affect them. The bill authorizes emergency regulations.

Forms Subcommittee: Any changes to the CDSS forms will be based on feedback received from the Adoption Services Subcommittee.

Data and Training Subcommittees: The ICWA Unit will help with sending emails on these two subcommittee meetings; trying to schedule for February. One objective is to determine what data will be needed from the Child Welfare Services/Case Management System (CWS/CMS) to include in the legislative report, which is due to the Legislature by January 1, 2013. The subcommittee is working on creating special project codes for tribal customary adoption that can be used in the CWS/CMS system to flag the date. Another objective is to identify any other potential data source, such as tribes, private adoption agencies, etc., and determine what other information might be gathered.

The All County Letter (ACL) on tribal customary adoption will be very general in nature and will go out during February/March 2010. A more detailed ACL or ACIN will go out later (around May/June 2010), closer to the effective date of AB 1325, which is July 1, 2010. The PPB is purposely waiting to send the ACL due to a need for feedback from the various subcommittees.

The Soboba Band of Luiseño Indians will host a website that should be up and running by mid-late-March. It is hoped that this will provide a valuable resource for tribal customary adoption.

2. **ICWA Training Subcommittee:** The ICWA Training Subcommittee is collecting curricula and looking at identifying key elements to use to develop the ICWA curriculum for social workers. CalSWEC would like to make available online training along with other resources, such as videos. Regarding the training for ICWA tribal advocates, we need input to find out what tribes think others should know and what should be included in training. Percy mentioned the Inter-Tribal Council's desire to have tribes conduct the trainings for tribal ICWA workers. Kim Cluff mentioned that CILS has a resource on their website about adults and their sealed adoption records. The next ICWA Training Subcommittee meeting is set for January 20, 2010, 10:00am to 12:00pm.
- **Division 31 Regulations Update.** Lee Ann Kelly gave an update. CDSS staff met with tribal and county representatives in four meetings for the purpose of gathering input and reviewing the proposed changes to the Division 31 regulations in order to implement ICWA provisions contained in SB 678. These regulations are to guide county social workers. Currently, Liz Sandoval and Maureen Geary are working on some legal language. Anne Smith will put together the language and try to get ready for public comment period.
- **Other.**
 - Kim Cluff mentioned some recent cases where the "termination of parental rights" issue was ignored.
 - Nancy Currie announced that she will send a flyer out to the group regarding their Foster Care training on March 15.

- Heather Zenone announced that the BIA is interested in the Ayazuta data system.
- The Pala Band of Mission Indians will host this year's ICWA Conference in southern California.
- Nancy will distribute a note to the southern region in search for a host for the March workgroup meeting.
- **Next Workgroup Meeting.** Tuesday, March 23, 2010, Southern Region, tribal host and meeting site to be determined.